

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT OF )  
4221 OLIVE BRANCH LN, )  
NEW HILL, NC 27562 )  
*12-4-08*

ORDER SEALING SEARCH  
WARRANT, ITS RETURN AND  
MOTION NCGS 132-1.5 (e)

THIS CAUSE coming on to be heard and being heard by the undersigned Superior Court Judge, upon motion by the State to seal a certain search warrant, its return and motion;

AND it appearing to the Court that the release of information contained in said search warrant, its return and motion will undermine an ongoing investigation,

IT IS THEREFORE ORDERED that this search warrant, its return and motion be sealed and not released to the public for a period of ninety days from today's date.

This the 16 day of December 2008.

*Ronald W. Stephens*  
Wake County Superior Court Judge

*Order to Seal Stricken By Judge Ronald W. Stephens*  
*12-17-08*

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

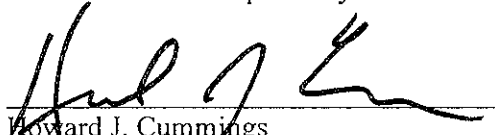
IN RE: SEARCH WARRANT OF )  
4221 OLIVE BRANCH LN, )  
NEW HILL, NC 27562 )  
12-4-08 )  
MOTION TO SEAL  
SEARCH WARRANT AND  
ITS RETURN NCGS 132-1.5 (e)

NOW COMES THE STATE of North Carolina by and through the undersigned Assistant District Attorney, hereby respectfully moves the Court to seal for a period of ninety days the above referenced search warrant, its return and this motion, and in support thereof, alleges:

1. That on December 2, 2008, the body of a white male was found at the unoccupied residence at 4221 Olive Branch Lane, New Hill, NC;
2. That identity of this deceased person has been confirmed to be that of Matthew Silliman;
3. That four persons have now been charged with first degree murder in connection with the investigation;
4. That the release of the contents of this search warrant and its return, will undermine an ongoing investigation by the Wake County Sheriff's Department.

WHEREFORE, The State of North Carolina respectfully moves the Court to seal this search warrant, its return and this motion for a period of ninety days.

Respectfully submitted this the 10<sup>th</sup> day of December, 2008.

  
Howard J. Cummings  
Assistant District Attorney

File No.

# SEARCH WARRANT

## IN THE MATTER OF

4221 Olive Branch Ln, New Hill, NC 27562

Date Issued Dec 4 2008 Time Issued 12:45  AM  PM

Name Of Applicant

Investigator R.K. Whitlow

Name Of Additional Affiant

### RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received 12.4.08 Time Received 2:30  AM  PM

Date Executed 12.4.08 Time Executed 3:19  AM  PM

I made a search of 4221 OLIVE BRANCH LN, AND CURTILAGE

WHITE FORD F-150 NC/APRYTIDE

WHITE TRAILER NC/BM55199 as commanded.

I seized the items listed on the attached inventory.

I did not seize any items.

This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return

*[Handwritten Signature]*

Department of Agency Of Officer Wake County Sheriff's Office Incident Number: 08-124966

# STATE OF NORTH CAROLINA

Wake County

In The General Court Of Justice District/Superior Court Division

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant: I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person(s) shown.

Date Dec 4, 2008 Signature [Handwritten Signature] Deputy CSC  Magistrate  Assistant CSC  District Ct. Judge  CSC  Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below.

Date \_\_\_\_\_ Time  AM  PM Signature \_\_\_\_\_ Deputy CSC  Assistant CSC  Clerk Of Superior Court

# APPLICATION FOR SEARCH WARRANT

1. Investigator R.K. Whitlow

*(insert name and address; or if law enforcement officer, name, rank and agency)*

being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that *(Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested)*

See attached section titled "Description of Property to be Seized"

constitutes evidence of a crime and the identity of a person participating in a crime. (Name crime) Homicide G.S. 14-17

and is located *(Check appropriate boxes) and fill-in specified information)*

in the following premises (Give address and, if useful, describe premises)

See attached section titled "Description of Premises and Curlage to be Searched"

*(and)*

on the following person(s) (Give name(s) and, if useful, describe person(s))

*(and)*

in the following vehicle(s) *(Describe vehicle(s))*

- white 2001 Ford F-150, 4 door pickup truck, bearing NC/APPYTUDE

- white 1996 enclosed Gore Trailer, bearing NC/BM-55199

*(and)*

*(Name and/or describe other places or items to be searched, if applicable)*

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

**SWORN AND SUBSCRIBED TO BEFORE ME**

Date <u>Dec 4, 2008</u> Signature <u>[Signature]</u>	Date <u>12-4-08</u> Signature of Applicant <u>[Signature]</u>
<input type="checkbox"/> Magistrate <input type="checkbox"/> Dep. CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court <input checked="" type="checkbox"/> Judge	

In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by \_\_\_\_\_

In addition to the affidavit included above, this application is supported by sworn testimony, given by \_\_\_\_\_

This testimony has been *(check appropriate box)*  reduced to writing  tape recorded and I have filed each with the clerk.

**NOTE:** *If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.*

**In the Matter of:** 4221 Olive Branch Ln, New Hill, NC 27562

**Continuation of: Description of Property to be Seized:**

Physical evidence such as documents that show ownership, possession, and/or control over the property and/or vehicle, tools, baseball bats, trash bags, plastic bags, cable ties, clothing, tarot cards, paper writings, identifications, still photographs, drugs/medicines used for humans or animals (prescription, over the counter, or illegal), drug paraphernalia, alcoholic beverage(s) and/or containers, cellular telephones, PDA's (Personal Digital Assistant or other similar devices), computer hardware and/or software, electronic media storage devices; such as CD's, DVD's, floppy disks, or flash drives; and documents showing purchase or ownership of any of the previously stated items, weapons, footwear impressions, and tire impressions. Hairs, fibers, blood, blood spatters/patterns, DNA, other bodily fluids, and other trace evidence that may show a person's presence in the vehicle, as well as any latent print evidence, and all evidence that may relate to the suspected homicide or any other crime,

**Continuation of: Description of Premises and Curtilage to be searched:**

The residence of 4221 Olive Branch Ln. New Hill NC 27562. Is a yellow colored doublewide trailer home with an entry door in front and is currently an unoccupied residence. This residence is 30 years old and has not been maintained for some time. Also to be searched are two outbuildings/barns located on the property. One outbuilding/barn is an older somewhat dilapidated structure located just behind and to the left of the primary residence. The other outbuilding/barn is a newer structure than the first and is located further back on the lot and slightly to the left of the primary residence.

**Directions to premises and Curtilage to be searched:** From Raleigh take US 64 Hwy westbound, take exit 89 and turn right onto New Hill Holleman Rd, turn left onto Old US 1 Hwy, turn right onto Olive Branch Ln. 4221 Olive Branch Ln will be ahead on the right.

**Continuation of: Probable Cause:**

I, Investigator R.K. Whitlow, earned my Bachelor of Arts Degree in Criminal Justice with a minor in Sociology at the University of North Carolina at Wilmington in May of 1995, completed the North Carolina Basic Law Enforcement Training certification program at Cape Fear Community College in Wilmington, NC and have been duly sworn as a North Carolina Law Enforcement Officer since December of 1995 where my career began with the University Police at North Carolina State University, until I was hired as a Wake County Sheriff's Deputy in August of 1997. During the course of my career in law enforcement I have investigated numerous misdemeanor and felony incidents of all varieties including assaults, suicides, and murders. I have attended special classes and in-service trainings that have included courses designed for the investigation of such incidents. I am currently serving the Wake County Sheriff's Office as a member of the Criminal Investigations Division, Person Crimes Unit.

On the night of Tuesday, December 2<sup>nd</sup>, 2008 the Wake County Sheriff's Office was requested by the Apex Police Department to assist with locating a missing person. Information gathered by the Apex Police Department led them to believe the missing person being sought may have been at 4221 Olive Branch Ln, New

**SWORN AND SUBSCRIBED TO BEFORE ME**

DATE Dec. 4, 2008

Donald W. Stephens  
Signature of Magistrate / District Court Judge / Superior Court Judge

RK Whitlow  
Signature of Applicant

In the Matter of: 4221 Olive Branch Ln, New Hill, NC 27562

Hill, NC. Wake County Sheriff's Investigators responded to assist the Apex Police Department and upon obtained consent from the property owner to check the mobile home at that location for the missing person. While checking for the missing person, a deceased white male was found lying on a bathroom floor. The source that had provided the information to the Apex Police Department confessed to involvement in causing the subject's death and also implicated three others. Of those additional three, two more confessed to their involvement in the subjects death. All three of those who confessed implicated the fourth as being directly involved in causing the subject's death as well.

Based upon statements provided by the suspects and evidence recovered at the primary residence at 4221 Olive Branch Ln. it is believed the evidence being sought may be present in the outbuildings/barns and vehicle parked at this location.

For these reasons, this affiant respectfully requests this warrant.

SWORN AND SUBSCRIBED TO BEFORE ME

Page 2 of 2

DATE Dec 4, 2008

*Donald W. Stephens*

*AK [Signature]*

Signature of Magistrate / District Court Judge / Superior Court Judge

Signature of Applicant

WCM148 TO: WCM148 -023600 20081204 11:14:50 [ 18B3C14316 ]  
FROM: DMVREG 20081204 11:14:50

N.C. VEHICLE REGISTRATION SYSTEM

RESPONSE BASED UPON:

PLATE NO: APPYTUDE YEAR: LIENS: PAGES: 7

ATTENTION:

VEHICLE DETAIL RESPONSE

VIN: 2001 FORD LGT CONVTL 'F TK  
TITLE NO: PURCHASE DT: 06192004

CUSTOMER ID: 29663863 DOB: HANDICAP PLACARD:  
LISA MARIE DAHLQUIST PLACARD STATUS:  
4221 OLIVE BRANCH LN TAX COUNTY: WAKE  
NEW HILL NC 27562-9183 PLT STATUS: ACTIVE

CURRENT PLATE NO: APPYTUDE WGT: 5000 ISSUE DT: 06102008 VALID THRU: 07152009  
INS CO: GEICO INDEMNITY COMPANY POLICY:  
PRIOR PLATE NO: APPYTUDE WGT: 5000 ISSUE DT: 06292007 VALID THRU: 07152008  
INS CO: GEICO INDEMNITY COMPANY POLICY:  
\*END OF MESSAGE\*

WCM148 TO: WCM148 -023603 20081204 11:15:57 [ 18B3C1434C ]  
FROM: DMVREG 20081204 11:15:56

N.C. VEHICLE REGISTRATION SYSTEM

RESPONSE BASED UPON:

PLATE NO: BM55199 YEAR: LIENS: PAGES: 7

ATTENTION:

VEHICLE DETAIL RESPONSE

VIN: 1996 GORE TRAILER TL  
TITLE NO: PURCHASE DT: 10182004

CUSTOMER ID: 29663863 DOB: HANDICAP PLACARD:  
LISA MARIE DAHLQUIST PLACARD STATUS:  
4221 OLIVE BRANCH LN TAX COUNTY: WAKE  
NEW HILL NC 27562-9183 PLT STATUS: ACTIVE

CURRENT PLATE NO: BM55199 WGT: ISSUE DT: 06102008 VALID THRU: 06152009  
INS CO: GOVERNMENT EMPLOYEES INSURANC POLICY:  
PRIOR PLATE NO: BM55199 WGT: ISSUE DT: 06292007 VALID THRU: 06152008  
INS CO: GOVERNMENT EMPLOYEES INSURANC POLICY:  
\*END OF MESSAGE\*

STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice  
 District  Superior Court Division

IN THE MATTER OF:

Name

4221 Olive Branch Ln, New Hill, NC 27562

INVENTORY OF ITEMS SEIZED  
PURSUANT TO SEARCH

G.S. 15A-223, 15A-254, -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

Date Of Search

This search was made pursuant to

- 1. a search warrant issued by: Superior Court Judge Donald W. Stephens
- 2. consent to search given by: \_\_\_\_\_
- 3. other legal justification for the search: \_\_\_\_\_

The following items were seized:

1. one sealed bag containing cable ties
2. One sealed bag containing two dark colored plastic trash bags
3. one sealed bag containing a torn tee shirt.
4. one sealed bag containing a clear plastic bag.
5. One sealed bag containing a large pillow, clothing, and other items covering decedent.
6. One sealed bag containing a portion of a string.
7. One sealed bag containing a black plastic trash bag.
8. One sealed bag containing burned incense and ashes
9. one bag containing incense
10. one sealed bag containing a box of trash bags
11. one sealed bag containing a box of trash bags
12. one sealed bag containing a box of Tarot cards



Items Seized Continued:

13. One sealed bag containing a clear plastic bag
14. One sealed bag containing a syringe.
15. One sealed bag containing two 250 mg Diazepam bottles
16. One sealed bag containing two 250 mg potassium Bromide bottles
17. One sealed bag containing two syringes
18. One sealed bag containing a syringe and needle plastic tube.
19. One sealed bag containing several rolls of plastic paint tarps
20. One sealed bag containing an empty monster soft drink can.
21. One sealed bag containing an empty Diet coke soft drink can.
22. One sealed bag containing an empty Propel soft drink bottle.
23. One sealed bag containing an empty Diet Pepsi Lime soft drink can
24. One sealed bag containing an empty Diet Pepsi soft drink can.

1. I left a copy of this inventory with the person named below, who is:

- a. the owner of the premises searched.
- b. the owner of the vehicle searched.
- c. the person in apparent control of the premises searched.
- d. the person in apparent control of the vehicle searched.
- e. the person from whom the items were taken.

2. As no person was present, I left a copy of this inventory:

- a. in the premises searched, identified on the reverse.
- b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

The law enforcement agency identified below will hold the seized property subject to court order.

<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>	Signature Of Law Enforcement Officer
Date	Title Of Law Enforcement Officer
Signature	Name And Address Of Agency
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Magistrate	

**ACKNOWLEDGMENT OF RECEIPT**

I, the undersigned, received a copy of this inventory.

Date	Signature of Person Receiving Inventory
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STATE OF NORTH CAROLINA

File No.

Wake County

In The General Court Of Justice  
 District  Superior Court Division

IN THE MATTER OF:

Name

4221 Olive Branch Ln, New Hill, NC 27562

INVENTORY OF ITEMS SEIZED  
PURSUANT TO SEARCH

G.S. 15A-223, 15A-254. -257

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Person, Premises Or Vehicle Searched

Date Of Search

This search was made pursuant to

- 1. a search warrant issued by: Superior Court Judge Donald W. Stephens
- 2. consent to search given by: \_\_\_\_\_
- 3. other legal justification for the search: \_\_\_\_\_

The following items were seized:

- 25. one sealed bag containing an empty Pepsi soft drink bottle
- 26. one sealed bag containing an empty monster soft drink can
- 27. one sealed bag containing an empty Taco Bell soft drink can
- 28. one sealed bag containing an empty Perrier bottle.
- 29. one sealed bag containing a bottle of cephalexin
- 30. one sealed bag containing an empty Hydrocodone <sup>prescription</sup> medicine bottle.
- 31. one sealed bag containing a tire tread cast.
- 32. one sealed bag containing a Tarot book.
- 33. photographs / video of scene.
- 34. yellow notepad from truck.

Items Seized Continued:

1. I left a copy of this inventory with the person named below, who is:
- a. the owner of the premises searched.
  - b. the owner of the vehicle searched.
  - c. the person in apparent control of the premises searched.
  - d. the person in apparent control of the vehicle searched.
  - e. the person from whom the items were taken.
2. As no person was present, I left a copy of this inventory:
- a. in the premises searched, identified on the reverse.
  - b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

The law enforcement agency identified below will hold the seized property subject to court order.

<b>SWORN AND SUBSCRIBED TO BEFORE ME</b>		Signature Of Law Enforcement Officer
Date		<i>David D. Butler</i>
Signature		Title Of Law Enforcement Officer <i>Investigator</i>
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Magistrate	Name And Address Of Agency <i>WCSD Raleigh, NC</i>

**ACKNOWLEDGMENT OF RECEIPT**

I, the undersigned, received a copy of this inventory.

Date	Signature of Person Receiving Inventory
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